

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

KIERAN RAVI BHATTACHARYA,)	Civil Action No. 3:19-cv-00054
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
JAMES B. MURRAY et al.,)	
Defendants.)	By: Joel C. Hoppe
)	United States Magistrate Judge

This matter is before the Court on Defendants’ Joint Motion to Amend the Pretrial Order, ECF No. 271, and Plaintiff’s “Motion to Remediate Defendants’ Spoliation of Evidence and Amend Scheduling Order,” ECF No. 275. *See* Am. Pretrial Order (Apr. 19, 2021), ECF No. 139. On March 15, 2022, I held a hearing at which counsel for the parties addressed both Motions at length. For the reasons explained on the record, it is hereby ORDERED that:

Defendants’ joint motion to amend the pretrial order, ECF No. 271, is GRANTED in part and DENIED in part. For good cause shown, Fed. R. Civ. P. 16(b)(4), the Amended Pretrial Order, ECF No. 139, is MODIFIED to incorporate the following dates and deadlines:

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| a. Jury Trial: | Oct. 24–28, Oct. 31–Nov. 4, and Nov. 7–9, 2022 |
| b. Fed. R. Civ. P. 26(f) Conference: | May 3, 2021 |
| c. Fed. R. Civ. P. 26(a) Initial Disclosures: | May 19, 2021 |
| d. Plaintiff’s Initial Expert Disclosure: | July 5, 2021 |
| e. Defendants’ Initial Expert Disclosure: | August 2, 2021 |
| f. Deadline to Complete Written Discovery: | May 2, 2022 |
| g. Deadline to Complete Third-Party Discovery: | May 16, 2022 |
| h. Deadline to Complete Depositions: | May 16, 2022 |
| i. Deadline to File Dispositive Motions: | May 31, 2022 |
| j. Dispositive Motion Hearing: | To be set by the Clerk |

All other provisions in the Amended Pretrial Order shall remain in effect.

Plaintiff's "Motion to Remediate Defendants' Spoliation of Evidence and Amend Scheduling Order," ECF No. 275, is DENIED with respect to his proposed discovery deadlines starting "from the later of Court ruling on Spoliation Remediation Motion (Dkt. #275) and Motion for Leave to Amend (Dkt. #149)," ECF No. 320-1, at 1–3. Plaintiff has not shown either excusable neglect for failing to move to extend his Initial Expert Disclosure deadline before July 5, 2021, *see* Fed. R. Civ. P. 6(b)(1)(B), or good cause for modifying that deadline at this point in the litigation, Fed. R. Civ. P. 16(b)(4). *Cook v. Howard*, 484 F. App'x 805, 817–19 (4th Cir. 2012); *Tyndall v. Maynor*, 288 F.R.D. 103, 109 (M.D.N.C. 2013). Additionally, the Court finds it necessary to set specific deadlines for the parties to finish discovery and file expected dispositive motions. *See Gordon v. Holy Cross Hosp. Germantown, Inc.*, No. TDC-18-1306, 2018 WL 11313796, at *4 (D. Md. Dec. 12, 2018) (noting that "[a] scheduling order is the critical path chosen by the trial judge and the parties to fulfill the mandate of Rule 1 in 'secur[ing] the just, speedy, and inexpensive determination of every action,'" Fed. R. Civ. P. 1, and that trial "courts have broad discretion to manage the timing of discovery and the modification of a scheduling order"). Plaintiff's Motion is TAKEN UNDER ADVISEMENT with respect to his specific requests for ESI preservation-related discovery, *see* ECF No. 320-2, at 2–4. The Court will address those requests by separate order.

IT IS SO ORDERED.

The Clerk shall send a copy of this Order to the parties.

ENTER: March 17, 2022



Joel C. Hoppe
U.S. Magistrate Judge